UNITED STATES PATENT AND TRADEMARK OFFICE

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09/580,808	05/26/2000	Muhammed Ibrahim Sezan	KLR:7146.085	9106

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2614	7

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Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _26 May 2000_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _2-118_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _2-118_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _3,4,5&6_.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 2-9, 11-25, 27-30 and 38-57, are rejected under 35 U.S.C. 102(e) as

being anticipated by **Sahai et al (6,594,699).**

As to claims 2 and 3, note the **Sahai et al** reference figures 1-3, disclose system

for capability based multimedia streaming over a network and further disclose method of

using a system with at least one of an audio, an image, and a video comprising a

plurality of frames comprising the following:

the claimed "providing a preferences description, describing preferences of a

user with respect to the use of said at least one of audio, image..." is met by Client 12

(fig. 1, col. 2, lines 44-64), note that when a user wants to playback any

video/multimedia asset, the request is shipped across to Server 10 via a communication

Network 14, where the shipping of the requested media data, includes Client 12

capabilities (includes hardware type, example TV Set Top, PC, Lap Top, etc.,) and

preferences (C/P) with respect to the audio, image and video, which are stored in

Server 10 for a particular session or for predetermined time period in a static

configuration approach (col. 3, lines 5-25 and col. 4, lines 9-14), note further that the preference description includes multiple attributes, such as, playback frame rate, bit rate of the audio and video data to use, the size of the displayed frame, media formats, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., (col. 3, lines 23-60 and col. 4, lines 9-31);

Server 10, stores each Client 12 capabilities and preferences and provides the media attribute of the preferences description describing the quality of encoding, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., of the audio, image and video before delivering the requested media data (col. 3, lines 23-60 and col. 4, lines 9-31), note that the user can request for audio, video, image, multimedia or media "audio and video"

As to claims 4-6, Sahai further teaches a first quality and second quality of encoding where the first is less than the second (col. 3, lines 50-60 and col. 4, lines 17-31), note that Server 10 can encode in MPEG1, MPEG2, MJPEG, etc., depending on Client 12 C/P, where one encoding scheme is less than the other and further where the storage results in at least storing less bytes of the first quality encoding of the audio video than the second quality of encoding using digital compression technique (col. 6, lines 12-49).

As to claims 7 and 8, Sahai further discloses selecting the quality of encoding base upon the storage for at least the audio and video and automatically performed by the Server 10 (col. 3, lines 23-31, lines 50-60 and col. 4, lines 17-40).

As to claim 9, Sahai further discloses where the selecting is prompted to the user of the system for selection (col. 5, lines 17-31).

As to claims 11-13, Sahai further discloses selecting either the first quality and the second quality based upon the type of content to the at least the audio and the video (col. 5, lines 35-46 and col. 6, lines 12-49), note further that real time sports programming and nature programming area automatically encoded by MPEG1 or MPEG2 formats depending on the Clients C/P information.

As to claims 14-19, Sahai further discloses a method where the system automatically selects first and second quality based upon attributes of preferences description, system description, a program preferences description, predefined relationships between a plurality of attributes of the preference descriptions, a program preference descriptions, system preference descriptions (col. 3, lines 23-60, col. 4, lines 9-40), note that Server 10 upon receiving the various play request and Client C/P automatically, makes flexible and accurate decisions about the Client concerning resource allocation for streaming of data and the use of appropriate format type (MPEG1, MPEG2, etc.,) and network traffic to stream media data according to C/P (col. 6, lines 12-52).

As to claim 20, Sahai further discloses a method where Server 10, which inherent includes an agent that selects the first quality and second quality, based upon prior selections of the first quality (col. 4, lines 9-40 and col. 5, lines 1-21).

As to claim 21, note the **Sahai et al** reference figures 1-3, disclose system for capability based multimedia streaming over a network and further disclose a system for

use with at least one of broadcast of audio and video comprising a plurality of frames

comprising:

the claimed "system for receiving said broadcast of at least one of audio and

video..." is met by Server 10 (fig. 1, col. 2, lines 44-64), note that Server 10 receives

broadcast of audio and video from various servers on the network 14 and stores the

received audio and video data, in a storage media, such as a disk (col. 6, lines 50-52);

and further receives and stores each Client 12 capabilities and preferences (C/P) (col.

3, lines 5-25 and col. 4, lines 9-14); and selectively encodes at least one of different

qualities, MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., (col. 3, lines 23-60

and col. 4, lines 9-31) of the received broadcast of at least the audio and video for

storage on Storage Media, such as a disk to enable a Client to access and retrieve the

media data based on the Client C/P (col. 6, lines 12-49).

Claim 22 is met as previously discussed with respect to claim 4.

Claim 23 is met as previously discussed with respect to claim 7.

Claim 24 is met as previously discussed with respect to claim 8.

Claim 25 is met as previously discussed with respect to claim 9.

Claim 27 is met as previously discussed with respect to claim 11.

Claim 28 is met as previously discussed with respect to claim 14.

Claim 29 is met as previously discussed with respect to claim 5.

Claim 30 is met as previously discussed with respect to claim 20.

As to claim 38, the claimed method is composed of the same structural elements

that were discussed in the rejection of claim 2; the claimed "providing a storage attribute

of the preferences description..." is met by Storage Media or Disk of Server 10 (col. 6, lines 50-52) which stores Client C/P, and where Server 10 encodes the audio and video based upon the content of at least one of audio and video.

Claim 39 is met as previously discussed with respect to claim 11.

Claims 40-42, are met as previously discussed with respect to claim 11-13.

Claim 43 is met as previously discussed with respect to claim 11.

Claim 44 is met as previously discussed with respect to claim 14.

Claim 45 is met as previously discussed with respect to claim 16.

Claim 46 is met as previously discussed with respect to claim 15.

Claim 47 is met as previously discussed with respect to claim 11.

Claim 48 is met as previously discussed with respect to claim 8.

As to claim 49, the claimed method is composed of the same structural elements that were discussed in the rejection of claim 2; the claimed "providing a storage attribute of the preferences description..." is met by Storage Media or Disk of Server 10 (col. 6, lines 50-52) which stores Client C/P, and where Server 10 encodes the audio and video based upon the combination of at least capabilities and the preferences description (col. 6, lines 12-49).

Claim 50 is met as previously discussed with respect to claim 11.

Claim 51 is met as previously discussed with respect to claim 7.

Claim 52 is met as previously discussed with respect to claim 11.

Claim 53 is met as previously discussed with respect to claim 14.

Claim 54 is met as previously discussed with respect to claim 15.

Claim 55 is met as previously discussed with respect to claim 20.

Claim 56 is met as previously discussed with respect to claim 8.

Claim 57, the claimed method is composed of the same structural elements that were discussed in the rejection of claim 2; the claimed "providing a storage attribute of the preferences description..." is met by Storage Media or Disk of Server 10 (col. 6, lines 50-52) which stores Client C/P, and where Server 10 encodes the audio and video based application program "an agent of the system" that selects the first quality and second quality based upon prior selections of either the first quality or second quality, MPEG1, MPEG2, MJPEG, etc., (fig. 3, col. 5, lines 1-26 and col. 6, lines 12-49).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 10, 26, 31-37 and 94-103, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sahai et al (6,594,699)** in view of **Li et al (6,543,053)**

As to claims 10 and 26, Sahai teaches all the claimed limitation as previously discussed with respect to claim 5 and 10 respectively, and further disclose viewing and listening to portion of at least one of the audio and video and selecting either a first quality and second quality for storing portion of video and audio on a Storage Media.

Sahai fails to explicitly teach pausing the viewing and listening, storing the

portion subsequent to the location that the portion was paused, resuming the viewing

and listening of the portion at the location that the portion was paused.

However, note the **Li et al** reference figure 2, disclose a data distribution system

and protocol for interactive information services over a network with true video-on-

demand (VOD) services, accessing any video at anytime and performing any VCR-like

functions, including play, stop, pause, resume, fast-forward, rewind, etc., and random

access (fig. 2 and col. 8, line 57-col. 9, line 13).

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate the teaching of Li into the system of Sahai to monitor and

retrieve data relating to the Client's pausing, resuming, etc., of audio and video data,

and transmit the audio and video data, from the interrupted position, thereby enabling

the Client to have full control of the audio and video data.

As to claims 31-33, note the **Sahai et al** reference figures 1-3, disclose system

for capability based multimedia streaming over a network and further disclose method of

using a system with at least one of an audio, an image, and a video comprising a

plurality of frames comprising the following:

the claimed "providing a preferences description, describing preferences of a

user with respect to the use of said at least one of audio, image..." is met by Client 12

(fig. 1, col. 2, lines 44-64), note that when a user wants to playback any

video/multimedia asset, the request is shipped across to Server 10 via a communication

Network 14, where the shipping of the requested media data, includes Client 12

capabilities (includes hardware type, example TV Set Top, PC, Lap Top, etc.,) and

preferences (C/P) with respect to the audio, image and video, which are stored in

Server 10 for a particular session or for predetermined time period in a static

configuration approach (col. 3, lines 5-25 and col. 4, lines 9-14), note further that the

preference description includes multiple attributes, such as, playback frame rate, bit rate

of the audio and video data to use, the size of the displayed frame, media formats, such

as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., (col. 3, lines 23-60 and col.

4, lines 9-31); and further teaches a Server 10, which includes Storage Media for storing

each Client 12 capabilities and preferences (col. 6, lines 50-52) and provides the media

attribute of the preferences description describing the quality of encoding, such as

MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., of the audio, image and video

before delivering the requested media data (col. 3, lines 23-60 and col. 4, lines

9-31), note that the user can request for audio, video, image, multimedia or media

"audio and video"

Sahai fails to explicitly teach a system that pauses at least one of listening and

viewing of the audio and video.

However, note the **Li et al** reference figure 2, disclose a data distribution system

and protocol for interactive information services over a network with true video-on-

demand (VOD) services, accessing any video at anytime and performing any VCR-like

functions, including play, stop, pause, resume, fast-forward, rewind, etc., and random

access and storing the various VCR-like function in a RAM (fig. 2, col. 6, lines 19-30,

col. 8, line 57-col. 9, line 13) and further teaches time interval for jump forward and jump

backward "skipping portion of the presentation where the Server can automatically

determined the various VCR-like function and transmits appropriate audio program,

video program or multimedia to the STB (col. 6, lines 7-15 and col. 9, lines 14-27).

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate the teaching of Li into the system of Sahai to monitor and

retrieve data relating to the Client's pausing, resuming, etc., of audio and video data,

and transmit the audio and video data, from the interrupted position, thereby enabling

the Client to have full control of the audio and video data.

Claim 34 is met as previously discussed with respect to claim 5.

Claim 35 is met as previously discussed with respect to claim 5.

Claim 36 is met as previously discussed with respect to claim 8.

Claim 37 is met as previously discussed with respect to claim 7.

As to claim 94, the claimed method is composed of the same structural elements

that were discussed in the rejection of claim 31.

Claims 95-97, are met as previously discussed with respect to claim 31.

As to claims 98-100, Sahai further discloses selecting based upon other

attributes of preferences descriptions, which has been discussed with respect to claims

14-16, but fails to explicitly teach selecting based upon, forward speed, reserve speed

and time interval forward, however, the claimed limitation is met as previously discussed

with respect to claim 31.

As to claim 101-103, Sahai further discloses automatically determined by the

system for at least one audio and video based upon the system monitoring previous

selections for other respective audio and video (col. 5, lines 1-26 and col. 6, lines 12-42

and lines 57-67), but fails to explicitly teach automatically determined based upon,

forward speed, reserve speed and time interval forward, however, the claimed limitation

is met as previously discussed with respect to claim 31.

5.   Claims 61-72, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sahai et al (6,594,699) in view of **Fano (6,317,718)**.

As to claims 61 and 62, note the **Sahai et al** reference figures 1-3, disclose

system for capability based multimedia streaming over a network and further disclose

method of using a system with at least one of an audio, an image, and a video

comprising a plurality of frames comprising the following:

the claimed "providing a preferences description, describing preferences of a

user with respect to the use of said at least one of audio, image..." is met by Client 12

(fig. 1, col. 2, lines 44-64), note that when a user wants to playback any

video/multimedia asset, the request is shipped across to Server 10 via a communication

Network 14, where the shipping of the requested media data, includes Client 12

capabilities (includes hardware type, example TV Set Top, PC, Lap Top, etc.,) and

preferences (C/P) with respect to the audio, image and video, which are stored in

Server 10 for a particular session or for predetermined time period in a static

configuration approach (col. 3, lines 5-25 and col. 4, lines 9-14), note further that the

preference description includes multiple attributes, such as, playback frame rate, bit rate

of the audio and video data to use, the size of the displayed frame, media formats, such

as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., (col. 3, lines 23-60 and col.

4, lines 9-31) and further discloses where Server 10, stores each Client 12 C/P and

provides the media attribute of the preferences description describing the quality of

encoding, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., of the

audio, image and video before delivering the requested media data (col. 3, lines 23-60

and col. 4, lines 9-31).

Sahai fails to explicitly teach providing a time attribute of the preferences

description describing at least one of: a first time to start obtaining the at least one of

audio and video prior to the scheduled time of the at least one of audio and video and a

second time to end obtaining the at least one of audio and video after the schedule time

of the at least one of audio and video.

However, note **Fano** reference figure 17, discloses and information gathering

agents that stores user specific information and preferences, including time delivery

preferences where the schedule time is the time period for media data "audio program

and a video program" (fig. 18, col. 33, line 64-col. 34, line 23 and col. 38, lines 39-56).

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate the teaching of Fano into the system of Sahai to include

time delivery preferences to enable the user to schedule and receive the requested

information at the appropriate time.

As to claims 63 and 64, Sahai further teaches streaming multimedia data, based

upon the content and type of the audio program and video program (col. 6, lines 12-49),

but fails to explicitly teach a first time and second time is selection based upon the

content of the an audio program and a video program.

However, note **Fano** reference figure 17, discloses and information gathering

agents that stores user specific information and preferences, including time delivery

preferences where the schedule time is the time period for media data "audio program

and a video program" (fig. 18, col. 33, line 64-col. 34, line 23 and col. 38, lines 39-56).

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate the teaching of Fano into the system of Sahai to include a

selecting times based on content to enable the service provider to monitor time with

respect to content for appropriate delivery of specific contents for the requested user.

Claim 65 is met as previously discussed with respect to claim 11.

Claim 66 is met as previously discussed with respect to claim 11.

Claim 67 is met as previously discussed with respect to claim 63.

Claim 68 is met as previously discussed with respect to claim 63.

Claims 69-72, are met as previously discussed with respect to claim 11-13.

6.   Claims 73-93, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sahai et al (6,594,699) in view of **Barrett et al (6,611,876)**.

As to claims 73 and 74, note the **Sahai et al** reference figures 1-3, disclose

system for capability based multimedia streaming over a network and further disclose

method of using a system with at least one of an audio, an image, and a video

comprising a plurality of frames comprising the following:

the claimed "providing a preferences description, describing preferences of a

user with respect to the use of said at least one of audio, image..." is met by Client 12

(fig. 1, col. 2, lines 44-64), note that when a user wants to playback any

video/multimedia asset, the request is shipped across to Server 10 via a communication

Network 14, where the shipping of the requested media data, includes Client 12

capabilities (includes hardware type, example TV Set Top, PC, Lap Top, etc.,) and

preferences (C/P) with respect to the audio, image and video, which are stored in

Server 10 for a particular session or for predetermined time period in a static

configuration approach (col. 3, lines 5-25 and col. 4, lines 9-14), note further that the

preference description includes multiple attributes, such as, playback frame rate, bit rate

of the audio and video data to use, the size of the displayed frame, media formats, such

as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., (col. 3, lines 23-60 and col.

4, lines 9-31) and further discloses where Server 10, stores each Client 12 C/P and

provides the media attribute of the preferences description describing the quality of

encoding, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., of the

audio, image and video before delivering the requested media data (col. 3, lines 23-60

and col. 4, lines 9-31).

Sahai fails to explicitly teach providing a time attribute of the preferences

indicating the number of layers of supplemental data auxiliary to the least one of audio

and video.

However, note **Barrett et al** reference figure 4, disclose encoding of intermediate

content "Web Intermediaries" (WBI or webby) with respect to user preference including

text, image, type of desired source of compression, how images are disposed, preferred

image scaling, etc., (col. 3, lines 57-65 and col. 4, lines 35-49), where various

transcoders dynamically scales layers of HTML, XML, etc., to meet a Client's

preferences or device capabilities, including available storage (figs. 4a, 4b, col. 6, lines 1-27 and lines 43-58).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Barrett into the system of Sahai to encoded appropriate number if layers of supplemental data for the media data or audio and video to transmits to the Client based on the Client preferences and capabilities, to enable the Client to retrieve the requested information accordingly.

Sahai further discloses a method comprising retrieving multimedia data prior to viewing the multimedia data, but fails to teach supplemental data, which has been discussed with respect to claim 73.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Barrett into the system of Sahai to enable the user to interact with the supplement data to enable the server to retrieve Client capabilities and preferences information relating to the supplemental data to aid in streaming the appropriate supplemental data to the client based on the Client's preferences and device capabilities.

As to claim 75, Sahai further discloses retrieving the audio and video data prior to viewing and listening of the video and audio data, but fails to explicitly teach supplemental data.

However **Barrett** discloses retrieving supplemental data, as previously discussed with respect to claim 73.

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate the teaching of Barrett into the system of Sahai to provide

supplemental data, as additional information relating to the audio and video data, to

enable the Client to listen and view and retrieve the audio and video data as desired.

Claim 76, is met as previously discussed with respect to claim 73.

As to claim 77, Sahai teaches where the Server 10, includes a disk storage

media which ceases to retrieve any data from Clients (col. 6, lines 50-52), but fails to

explicitly teach supplemental data.

However **Barrett** discloses retrieving supplemental data, as previously discussed

with respect to claim 73.

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate the teaching of Barrett into the system of Sahai to provide

supplemental data as additional information to the audio and video data.

As to claims 78 and 79, Sahai further discloses determined the number of layers

of multimedia data or video and audio to encode and transmit to Client based on Client

C/P, including storage, but fails to explicitly teach supplemental data, which has been

discussed with respect to claim 73.

As to claim 80-81, the claimed system is composed of the same structural

elements that were discussed in the rejection of claim 73-74;

Claim 82, is met as previously discussed with respect to claim 75.

Claim 83, is met as previously discussed with respect to claim 73.

Claim 84, is met as previously discussed with respect to claim 77.

Claim 85 and 86, is met as previously discussed with respect to claim 78 and 79.

As to claims 87 and 88, Sahai further discloses selecting multimedia or media

data, based on the content and the type of media, as previously discussed with respect

to claim 11, but fails to explicitly teach selecting number of layers of supplemental data.

However, Barrett teaches selecting and encoding layers of HTML and XML data

based on user preference or device, as previously discussed with respect to claim 73.

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate the teaching of Barrett into the system of Sahai to select

supplemental data based on content and type, to enable the encoding and scaling

appropriate content and type of data to Clients based on C/P.

As to claim 89 and 90, the claimed system is composed of the same structural

elements that were discussed in the rejection of claim 73-74.

Claim 91, is met as previously discussed with respect to claim 75.

Claim 92, is met as previously discussed with respect to claim 73.

Claim 93, is met as previously discussed with respect to claim 77.

7.   Claims 104-107, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sahai et al (6,594,699) in view of **Huang et al (6,593,936).**

As to claims 104-107, note the **Sahai et al** reference figures 1-3, disclose system

for capability based multimedia streaming over a network and further disclose method of

using a system with at least one of an audio, an image, and a video comprising a

plurality of frames comprising the following:

the claimed "providing a preferences description, describing preferences of a

user with respect to the use of said at least one of audio, image..." is met by Client 12

(fig. 1, col. 2, lines 44-64), note that when a user wants to playback any

video/multimedia asset, the request is shipped across to Server 10 via a communication

Network 14, where the shipping of the requested media data, includes Client 12

capabilities (includes hardware type, example TV Set Top, PC, Lap Top, etc.,) and

preferences (C/P) with respect to the audio, image and video, which are stored in

Server 10 for a particular session or for predetermined time period in a static

configuration approach (col. 3, lines 5-25 and col. 4, lines 9-14), note further that the

preference description includes multiple attributes, such as, playback frame rate, bit rate

of the audio and video data to use, the size of the displayed frame, media formats, such

as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., (col. 3, lines 23-60 and col.

4, lines 9-31) and further discloses where Server 10, stores each Client 12 C/P and

provides the media attribute of the preferences description describing the quality of

encoding, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., of the

audio, image and video before delivering the requested media data (col. 3, lines 23-60

and col. 4, lines 9-31).

Sahai fail to explicitly teach user's preferences with respect to audio

representation and video representation.

However, note **Huang et al** reference figures 1 and 9, disclose synthetic

audiovisual description scheme where metadata is used as data representation for

describing an audio and a video data, including music, real audio, stereo, letterbox screen, etc, (col. 5, line 62-col. 6, line 14 and col. 8, lines 1-42).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Huang into the system of Sahai to enable the user to provide preferences with respect to audio and video representation to enable the easy retrieval of requested media data or content at the search engine or server.

8.   Claims 108-118, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sahai et al (6,594,699)** in view of **Kanevsky et al (6,426,761).**

As to claims 108-111 and 118, note the **Sahai et al** reference figures 1-3, disclose system for capability based multimedia streaming over a network and further disclose method of using a system with at least one of an audio, an image, and a video comprising a plurality of frames comprising the following:

the claimed "providing a preferences description, describing preferences of a user with respect to the use of said at least one of audio, image..." is met by Client 12 (fig. 1, col. 2, lines 44-64), note that when a user wants to playback any video/multimedia asset, the request is shipped across to Server 10 via a communication Network 14, where the shipping of the requested media data, includes Client 12 capabilities (includes hardware type, example TV Set Top, PC, Lap Top, etc.,) and preferences (C/P) with respect to the audio, image and video, which are stored in Server 10 for a particular session or for predetermined time period in a static configuration approach (col. 3, lines 5-25 and col. 4, lines 9-14), note further that the preference description includes multiple attributes, such as, playback frame rate, bit rate

of the audio and video data to use, the size of the displayed frame, media formats, such

as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., (col. 3, lines 23-60 and col.

4, lines 9-31) and further discloses where Server 10, stores each Client 12 C/P and

provides the media attribute of the preferences description describing the quality of

encoding, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., of the

audio, image and video before delivering the requested media data (col. 3, lines 23-60

and col. 4, lines 9-31).

Sahai fails to explicitly teach providing a creation attribute of the preference

description describing the creation date of at least one of audio and video.

However, note Kanevsky et al reference figures 1 and 5, disclose an information

presentation system for a graphical user interface (GUI) that generates a cluster of

items for display and includes creation attributes, including creation date of the

information being presented (col. 6, line 52-col. 7, line 14, col. 11, lines 34-65 and col.

12, lines 36-53), and further teaches where video, audio, multimedia, etc., are also

implemented (col. 3, lines 43-48 and col. 13, lines 12-36).

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate the teaching of Kanevsky into the system of Sahai to

provide creation attributes of preferences describing creation date of audio and video to

indicate to the server update or changes with respect to the Client's preferences and

capabilities, thereby enabling the server to select and streaming appropriate video and

audio to the Client.

As to claim 112, Sahai further discloses storing selected programs on Storage Media (col. 6, lines 50-52).

9.   Claims 113-117, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sahai et al (6,594,699)** in view of **Kanevsky et al (6,426,761)** as applied to claims 112 above, and further in view of **Gabbe et al (5,550,965).**

As to claims 113-117, Sahai as modified by Kanevsky fails to explicitly teach selecting among a plurality of stored episodes of the program and limited to a desired number of episodes.

However, note the **Gabbe et al** reference discloses method and system for operating a data processor to index primary data for one or more users in real time with iconic table of contents where a plurality of video data, audio data, event data or meta data are indexed form an episode data to enable the user to interact to retrieve episodes as desired (col. 2, line 65-col. 3, line 3 and line 25-45).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Gabbe into the system of Sahai as modified by Kanevsky to provide various episode of audio and video of the same program to enable the user to access parts or segments of the program as desired.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fields et al (6,412,008) disclose system and method for cooperative client/server customization of web pages.

Li et al (6,345,279) disclose methods and apparatus for adapting multimedia content for client devices.

Theriault et al (6,049,821) disclose proxy host computer and method for accessing and retrieving information between a browser and a proxy.

Tso et al (6,185,625) disclose scaling proxy server sending to the client a graphical user interface for establishing object encoding preferences after receiving the client's request for the object.
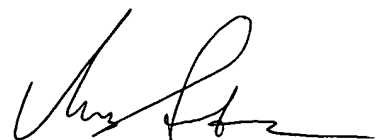
11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q Shang** whose telephone number is **703-305-2156**. The examiner can normally be reached on **700am-500pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W Miller** can be reached on **703-305-4795**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free).**

Annan Q. Shang.

VIVEK SRIVASTAVA
PRIMARY EXAMINER